

REMARKS

I. Status of the Subject Application

Claims 1-8, 14-18, 20-23, 79, 83 and 84 are pending in the subject application and stand rejected under 35 U.S.C. §103(a). Claims 74-78 were canceled in the Amendment filed by Applicants on September 7, 1999 in response to the Office Action dated June 16, 1999, wherein claims 74-78 were withdrawn by Examiner. Thus, claims 74-78 are not addressed further below. In the present Amendment, Applicants have amended independent claims 1 and 15. Applicants submit that no new matter has been added. Applicants respectfully traverse the claim rejections as follows.

II. Claim Rejections - 35 U.S.C. §103(a)

Claims 1-8, 14-18, 20-23, 79, 83 and 84 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,696,213 to Conneally in view of Delta model 36-906 ("Delta") and further in view of "Official Notice".

Amended claims 1 and 15 are directed to a saw that includes, among other elements, an infeed platform that is capable of selective adjustment to an elevation coplanar with said work surface. As will be discussed below, neither Delta nor Conneally include this structure. Support for this amendment may be found at page 17, lines 13-19, page 18, lines 18-21, and page 19, lines 10-13.

Conneally is directed to a fine adjustment mechanism for a table saw fence assembly. The table saw (10) has a fence guide (20) adapted to engage a track (12). See FIG. 1. The fence guide (20) has a "friction drive means" (24) that is accessible through at least one opening (32) for manual operation thereof. See FIG. 4. The friction drive means (24) includes a pair of spools (34) that extend through corresponding openings (32) and that rotatably engage the track (12) for friction driven movement. See column 3, lines 50-57 and FIG. 7. Each spool (34) has a pair of frustoconical drive surfaces (34b) that simultaneously engage the horizontally extending flange portion (12b) of the track (12) for friction driven rotational movement. See column 4, lines 1-3 and 11-19, and FIG. 7. Conneally provides that "frustoconical surfaces 34b are in engagement with the sharp edges 12b' of the horizontally extending portion 12b of the track 12 as illustrated in FIG. 7" to enable lateral fine adjustment.

See column 5, lines 10-15. Thus, it is the frictional engagement of the sharp edges with the frustoconical surfaces that provide the Conneally device with its fine tuning ability.

Delta 36-906 is directed to a fence guide for a table saw that has the ability to be adjusted so that the fence is ninety degrees relative to the table.

The Manual of Patent Examining Procedure ("MPEP") provides that if a "proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, *then there is no suggestion or motivation* to make the proposed modification. See MPEP §2143.01 (*emphasis added*). The adjustment arrangement disclosed in Conneally has an intended purpose of providing fine lateral adjustment of the table saw fence through use of a frictional adjustment mechanism. If the Conneally adjustment mechanism was modified by adding a mechanism to adjust the squareness of the infeed extension, it is conceivable that during and after such adjustment, the horizontally extending portion (12b) would not be in frictional contact with the top and bottom frustoconical surfaces (34b) and thereby jeopardize the ability to make precise fine adjustments of the fence assembly. Accordingly, Applicants submit that there is no teaching to combine the Delta brochure with Conneally and, in fact, that Conneally and Delta teach away from each other. Thus, a *prima facie* case of obviousness has not been established with respect to independent claims 1 and 15 or the claims that depend therefrom.

Applicants further hereby traverse the assertion of Official notice in the Office Action with respect to claims 1-8, 14-18, 20-23, 79, 83 and 84, and respectfully submit that the Office Action has not presented evidence to establish the existence of prior art references or teachings that disclose or suggest that "such adjustment mechanisms are old and well known in the art".

III. Extension of Time

Applicants hereby petition for a two month extension of time. If additional time is required, please consider this a petition therefor. Applicants are herewith enclosing a check in the amount of \$410. The PTO is hereby authorized to charge Deposit Account 11-1110 for any fee deficiencies associated with this petition for extension of time.

IV. Conclusion

In sum, Applicants respectfully submit that all of the pending claims are in condition for allowance. Applicants' response should not in any way be taken as an acquiescence to any of the specific assertions, statements, "Official Notice", etc. presented in the Official Action not explicitly addressed herein. Applicants reserve the right to specifically address all such assertions and statements in subsequent responses and/or on appeal if necessary. Applicants have made a diligent effort to respond to the rejection presented in the Official Action. If the Examiner has any remaining concerns regarding the patentability of any of the pending claims, Examiner is invited to contact the undersigned at the telephone number set forth below so that such concerns may be expeditiously addressed. Accordingly, Applicants earnestly request reconsideration and withdrawal of such rejection and passage to allowance of all pending claims.

Respectfully submitted,



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